

REMARKS

Claims 1, 9, 18-22 remain pending in the present application. Claim 2 has been cancelled. Claims 3-8, 10-17 have been withdrawn.

STATEMENT UNDER 37 C.F.R. § 1.133(b)

The Applicant appreciates the time and consideration given by the Examiner during the recent interview conducted on February 28, 2010. During the interview, Applicant's representative argued that Ko is directed to defect management for the purpose of replacing defective disc areas, which differs from the logical overwrite method of the Applicant's invention, said logical overwrite procedure allowing for updating data to a write once type disc. The Examiner acknowledges that Ko appears to lack the disclosure of a logical overwrite procedure and will reconsider the reference. The Examiner also indicated her intention to conduct a supplemental search. Should the Examiner fail to find additional prior art, the claims would be deemed patentable. Any allowance is pending an updated search.

Claim Rejections – 35 U.S.C. §103

Claims 1 and 18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Takano (U.S. Patent No. 5,448,728) in view of Nakajo (U.S. Patent Application No. 2004/0170101). Reconsideration of these rejections is respectfully requested for at least the following reasons.

Claim 1 is directed to an overwrite method of an optical disc having the steps of, among other things, "confirming whether a recording mode applied to the optical disc is a sequential recording mode in which data is recorded sequentially onto sequential recording ranges allocated to a data area of the optical disc." Similar language also appears in the apparatus described in independent Claim 18.

The Examiner acknowledges that Takano fails to teach that the controller performs the step of confirming whether a recording mode applied to the optical

disc is a sequential recording mode. To cure this deficiency in the primary reference, the Examiner relies on Nakajo as teaching that there is a recognized need in the art for determining disc specific data such as model number, recording rate and recording mode, prior to performing a recording operation. In particular, the Examiner relies on paragraphs [0005], [0017] and [0019].

Relying on Nakajo, the Examiner concludes that it would be obvious to one of ordinary skill in the art at the time of the invention to modify the system of Takano such that the proper method for recording on a particular disc is confirmed prior to carrying out a recording operation, thereby taking into consideration disc type, a recommended recording rate and even a user's input for indicating a desired recording technique. Applicant respectfully disagrees with the Examiner's conclusions.

A careful examination of the cited paragraphs of Nakajo suggests that Nakajo may teach the use of a plurality of recorded features, e.g., model number, recording rate and recording mode, to confirm the kind of optical discs mounted on the drive. However, Nakajo clearly discloses upon an examination of the specification, including the cited paragraphs, that the confirmed features may only be used to determine "recording strategy" or "write strategy" rather than to determine a user data recording type, e.g., sequential recording, as recited in Claims 1 and 18.

For example, paragraph [0017] of Nakajo reads as follows:

Preferably, the step of using changes the first strategy and the second strategy in accordance with a changeover operation of recording modes by a user, the recording modes representing the conditions of the recording of information. In such a case, *the recording modes include a **normal recording mode** directing a reduction of jitters of the information recorded on the optical disk and an **alternative recording mode** directing a reduction of crosstalk of the information recorded on the optical disk, and the step of using the first strategy for the normal recording mode and uses the second strategy for the alternative recording mode.* Otherwise, the recording modes

include a normal recording mode directed to recording of information representing computer data and an alternative recording mode directed to recording of information representing audio data, and the step of using the first strategy for the normal recording mode and uses the second strategy for the alternative recording mode. (Emphasis Added.)

As illustrated by paragraph [0017], while Nakajo discloses a kind of "recording mode", e.g., a "normal recording mode" and an "alternative recording mode", recording modes of the secondary reference are only used in an apparatus to determine (or select) one of a "first/second strategy." In contrast to Nakajo, the claimed subject matter of the present application may be operated only under a "sequential recording mode" in which data is recorded sequentially onto sequential recording ranges. In particular, there is nothing in the reference that would teach the recited "sequential recording mode", either expressly or inherently.

In addition, the material differences in the teachings of Takano and Nakajo do not support the Examiner's combination of references. Takano generally relates to data management for a write-once read-many type storage medium. In contrast, Nakajo is unrelated to data management, but application of a plurality of write strategies, i.e., recording rates and velocities. As such, it would not have been obvious to one of ordinary skill in the art to combine the references as suggested by the Examiner since the disk information in Takano is not used in any way for data management.

As such, Applicant submits that the combination of references cited by the Examiner does not support the current rejection of Claims 1 and 18 under 35 U.S.C. §103(a).

Claims 9 and 19-22 are rejected under 35 U.S.C. §103(a) as being unpatentable over Takano (U.S. Patent No. 5,448,728) in view of Nakajo (U.S. Patent Application No. 2004/0170101) as applied to Claims 1 and 18, and further in view of Hwang (U.S. Patent Application No. 2004/0246852).

Claims 9 and 20 represent allowable subject matter for at least the reasons set forth above with regard to independent Claim 1. Further, Claims 19 and 21 represent allowable subject matter for at least the reasons set forth above with regard to independent Claim 18. Independent Claim 22 recites an optical disk that includes, among other things, "a data area configured to allocate one or more sequential recording ranges in a sequential recording mode in which data is recorded sequentially onto the sequential recording range." As explained above with regard to independent Claims 1 and 18, the secondary reference of Nakajo does not teach the sequential recording mode as recited in independent Claim 22.

Although Applicant has not traversed or otherwise challenged each of the Examiner's interpretations of the references, this should not be considered as an admission that the Applicant concedes to the correctness of the current rejections. Thus, Applicant reserves the right to traverse or otherwise challenge the Examiner's interpretation and application of the references in the future as required.

Request for Personal Interview

Should Applicant's remarks fail to place the application in condition for allowance, Applicant hereby requests a personal interview with the Examiner to discuss any remaining issues prior to issuance of the next official action.

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CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of Claims 1, 9, 18-22 in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. §1.17; particularly, extension of time fees.

Respectfully submitted,

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